

**U.S. District Court
California Northern District (San Francisco)
CIVIL DOCKET FOR CASE #: 3:11-cv-01997-RS**

American Civil Liberties Union of Northern California et al v.
Drug Enforcement Administration
Assigned to: Hon. Richard Seeborg
Cause: 05:552 Freedom of Information Act

Date Filed: 04/22/2011
Date Terminated: 04/26/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff

**American Civil Liberties Union of
Northern California**

represented by **Linda Lye**
ACLU of Northern California
39 Drumm Street
San Francisco, CA 94111
415 621 2493
Fax: 415 255 1478
Email: llye@aclunc.org
ATTORNEY TO BE NOTICED

Michael Temple Risher
ACLU Foundation of Northern California,
Inc.
39 Drumm Street
San Francisco, CA 94111
415-621-2493
Fax: 415-255-8437
Email: mrisher@aclunc.org
ATTORNEY TO BE NOTICED

Plaintiff

San Francisco Bay Guardian

represented by **Linda Lye**
(See above for address)
ATTORNEY TO BE NOTICED

Michael Temple Risher
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

Drug Enforcement Administration

represented by **Ila Casy Deiss**
United States Attorney's Office
Northern District of California
450 Golden Gate Avenue
P. O. Box 36055
San Francisco, CA 94102
415-436-7124
Fax: 415-436-7169
Email: ila.deiss@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
04/22/2011	<u>1</u>	COMPLAINT against Drug Enforcement Administration (Filing fee \$ 350, receipt number 34611059033.) filed by San Francisco Bay Guardian, American Civil

		Liberties Union of Northern California. (vlk, COURT STAFF) (Filed on 4/22/2011) (Additional attachment(s) added on 4/27/2011: # <u>1</u> Civil Cover Sheet) (vlk, COURT STAFF). (Entered: 04/26/2011)
04/22/2011		CASE DESIGNATED for Electronic Filing. (vlk, COURT STAFF) (Filed on 4/22/2011) (Entered: 04/26/2011)
04/22/2011	<u>2</u>	ADR SCHEDULING ORDER: Case Management Statement due by 7/27/2011. Case Management Conference set for 8/3/2011 01:30 PM. (Attachments: # <u>1</u> Standing Order)(vlk, COURT STAFF) (Filed on 4/22/2011) (Entered: 04/26/2011)
04/22/2011	<u>3</u>	Summons Issued as to Drug Enforcement Administration. (vlk, COURT STAFF) (Filed on 4/22/2011) (vlk, COURT STAFF). (Entered: 04/26/2011)
04/22/2011	<u>4</u>	Certificate of Interested Entities by American Civil Liberties Union of Northern California, San Francisco Bay Guardian (vlk, COURT STAFF) (Filed on 4/22/2011) (vlk, COURT STAFF). (Entered: 04/26/2011)
04/26/2011	<u>5</u>	Declination to Proceed Before a U.S. Magistrate Judge by Drug Enforcement Administration. (Deiss, Ila) (Filed on 4/26/2011) (Entered: 04/26/2011)
04/26/2011	<u>6</u>	CLERK'S NOTICE of Impending Reassignment to U.S. District Judge (ig, COURT STAFF) (Filed on 4/26/2011) (Entered: 04/27/2011)
04/27/2011	<u>7</u>	ORDER REASSIGNING CASE. Case reassigned to Judge Hon. Richard Seeborg for all further proceedings. Magistrate Judge Donna M. Ryu no longer assigned to the case. Signed by Executive Committee on 4/27/2011. (cjl, COURT STAFF) (Filed on 4/27/2011) (Entered: 04/27/2011)
04/28/2011	<u>8</u>	MOTION for Preliminary Injunction filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. Motion Hearing set for 5/12/2011 01:30 PM in Courtroom 3, 17th Floor, San Francisco before Hon. Richard Seeborg. (Lye, Linda) (Filed on 4/28/2011) (Entered: 04/28/2011)
04/28/2011	<u>9</u>	Declaration of Tim Redmond in Support re <u>8</u> MOTION for Preliminary Injunction filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. . (Lye, Linda) (Filed on 4/28/2011) Modified on 4/29/2011 (slh, COURT STAFF). (Entered: 04/28/2011)
04/28/2011	<u>10</u>	Declaration of Natasha Minsker <i>ISO Prel. Inj.</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Attachments: # <u>1</u> Exhibit Exhibits 1–2, # <u>2</u> Exhibit Exhibit 3, # <u>3</u> Exhibit Exhibits 4–6, # <u>4</u> Exhibit Exhibits 7–9, # <u>5</u> Exhibit Exhibits 10–11, # <u>6</u> Exhibit Exhibits 12–18)(Lye, Linda) (Filed on 4/28/2011) (Entered: 04/28/2011)
04/28/2011	<u>11</u>	Proposed Order <i>Granting Pltfs' Mot. for Prel. Inj.</i> by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Lye, Linda) (Filed on 4/28/2011) (Entered: 04/28/2011)
04/28/2011	<u>12</u>	Ex Parte Application to <i>Shorten Time on Pltfs' Mot. for Prel. Inj.</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Lye, Linda) (Filed on 4/28/2011) (Entered: 04/28/2011)
04/28/2011	<u>13</u>	Declaration of Linda Lye <i>ISO Ex Parte Application</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Lye, Linda) (Filed on 4/28/2011) (Entered: 04/28/2011)
04/28/2011	<u>14</u>	Proposed Order <i>Granting Ex Parte Application to Shorten Time</i> by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Lye, Linda) (Filed on 4/28/2011) (Entered: 04/28/2011)
04/28/2011	<u>15</u>	CLERKS NOTICE SCHEDULING A CASE MANAGEMENT CONFERENCE Case Management Conference set for 8/4/2011 10:00 AM before the Honorable Richard Seeborg in Courtroom 3, 17th Floor, San Francisco. (fj, COURT STAFF) (Filed on 4/28/2011) (Entered: 04/28/2011)
04/29/2011	<u>16</u>	SUMMONS Returned Executed (FOIA) by San Francisco Bay Guardian, American Civil Liberties Union of Northern California. Drug Enforcement Administration served on 4/22/2011, answer due 5/23/2011. (Lye, Linda) (Filed on

		4/29/2011) (Entered: 04/29/2011)
04/29/2011	<u>17</u>	CERTIFICATE OF SERVICE by American Civil Liberties Union of Northern California, San Francisco Bay Guardian <i>of Supplemental Materials on US Attorney (Lye, Linda)</i> (Filed on 4/29/2011) (Entered: 04/29/2011)
04/29/2011	<u>18</u>	CERTIFICATE OF SERVICE by American Civil Liberties Union of Northern California, San Francisco Bay Guardian <i>of Supplemental Materials on US Attorney General and DEA</i> (Lye, Linda) (Filed on 4/29/2011) (Entered: 04/29/2011)
05/03/2011	<u>19</u>	ORDER GRANTING PLAINTIFFS' APPLICATION TO SHORTEN TIME ON PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION AS MODIFIED BY THE COURT. by Judge Richard Seeborg (cl, COURT STAFF) (Filed on 5/3/2011) (Entered: 05/03/2011)
05/06/2011	<u>20</u>	RESPONSE (re <u>8</u> MOTION for Preliminary Injunction) <i>Defendant's Opposition to Motion for Preliminary Injunction; and Declaration of Katherine L. Myrick</i> filed by Drug Enforcement Administration. (Attachments: # <u>1</u> Declaration of Katherine L. Myrick, # <u>2</u> Exhibit A – E)(Deiss, Ila) (Filed on 5/6/2011) (Entered: 05/06/2011)
05/10/2011	<u>21</u>	REPLY (re <u>8</u> MOTION for Preliminary Injunction) filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Lye, Linda) (Filed on 5/10/2011) (Entered: 05/10/2011)
05/10/2011	<u>22</u>	Declaration of Natasha Minsker in Support of <u>21</u> Reply to Opposition/Response <i>to Motion for Preliminary Injunction</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Attachments: # <u>1</u> Exhibit Exhibits 1–4, # <u>2</u> Exhibit Exhibit 5–7)(Related document(s) <u>21</u>) (Lye, Linda) (Filed on 5/10/2011) (Entered: 05/10/2011)
05/10/2011	<u>23</u>	Proposed Order (<i>Amended</i>) <i>re Preliminary Injunction</i> by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Lye, Linda) (Filed on 5/10/2011) (Entered: 05/10/2011)
05/12/2011	<u>24</u>	Minute Entry: Motion Hearing held on 5/12/2011 before Judge Richard Seeborg; MATTER TAKEN UNDER SUBMISSION. (Date Filed: 5/12/2011) re <u>8</u> MOTION for Preliminary Injunction filed by San Francisco Bay Guardian, American Civil Liberties Union of Northern California. (Court Reporter Sarah Goekler.) (cl, COURT STAFF) (Date Filed: 5/12/2011) (Entered: 05/12/2011)
05/18/2011	<u>25</u>	STATUS REPORT (<i>JOINT</i>) <i>FOLLOWING PRELIMINARY INJUNCTION HEARING</i> by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Attachments: # <u>1</u> Affidavit Minsker Declaration, # <u>2</u> Affidavit Myrick Declaration, # <u>3</u> Proposed Order Second Amended Proposed Order)(Lye, Linda) (Filed on 5/18/2011) (Entered: 05/18/2011)
05/23/2011	<u>26</u>	ORDER DENYING MOTION FOR PRELIMINARY INJUNCTION. by Judge Richard Seeborg (cl, COURT STAFF) (Filed on 5/23/2011) (Entered: 05/23/2011)
05/23/2011	<u>27</u>	<i>Defendant's Answer to Plaintiff's Complaint for Injunctive Relief Under the Freedom of Information Act</i> ANSWER to Complaint by Drug Enforcement Administration. (Deiss, Ila) (Filed on 5/23/2011) (Entered: 05/23/2011)
07/11/2011	<u>28</u>	STIPULATION <i>to Extend Dates; and [Proposed] Order</i> by Drug Enforcement Administration. (Deiss, Ila) (Filed on 7/11/2011) (Entered: 07/11/2011)
07/12/2011	<u>29</u>	STIPULATION AND ORDER RE <u>28</u> TO EXTEND DATES. Stipulation filed by Drug Enforcement Administration. Case Management Conference set for 9/1/2011 10:00 AM in Courtroom 3, 17th Floor, San Francisco. Signed by Judge Richard Seeborg on 7/11/11. (cl, COURT STAFF) (Filed on 7/12/2011) (Entered: 07/12/2011)
08/15/2011	<u>30</u>	ADR Clerks Notice re: Non–Compliance with Court Order. (tjs, COURT STAFF) (Filed on 8/15/2011) (Entered: 08/15/2011)
08/16/2011	<u>31</u>	ADR Certification (ADR L.R. 3–5 b) of discussion of ADR options (Deiss, Ila) (Filed on 8/16/2011) (Entered: 08/16/2011)

08/16/2011	<u>32</u>	NOTICE of need for ADR Phone Conference (ADR L.R. 3–5 d) (Deiss, Ila) (Filed on 8/16/2011) (Entered: 08/16/2011)
08/22/2011	<u>33</u>	ADR Clerks Notice Setting ADR Phone Conference on 8/30/11 at 11:30 a.m. Pacific time. Please take note that at the appointed time, all parties shall call 424–203–8400 and use access code 865637 to join the call. (sgd, COURT STAFF) (Filed on 8/22/2011) (Entered: 08/22/2011)
08/23/2011		ADR Remark: The ADR Phone Conference scheduled for 8/30/11 is now set for 2:00 p.m. and not 11:30 a.m. Pacific time. Please take note that at the appointed time, all parties shall call 424–203–8400 and use access code 865637 to join the call. (sgd, COURT STAFF) (Filed on 8/23/2011) (Entered: 08/23/2011)
08/25/2011	<u>34</u>	JOINT CASE MANAGEMENT STATEMENT ; <i>AND [PROPOSED] ORDER</i> filed by Drug Enforcement Administration. (Deiss, Ila) (Filed on 8/25/2011) (Entered: 08/25/2011)
08/25/2011	<u>35</u>	MOTION for Summary Judgment <i>Defendant's Notice of Motion; Motion for Summary Judgment with Memorandum of Points and Authorities and Declarations of Katherine L. Myrick</i> filed by Drug Enforcement Administration. Motion Hearing set for 10/20/2011 01:30 PM in Courtroom 3, 17th Floor, San Francisco before Hon. Richard Seeborg. Responses due by 9/8/2011. Replies due by 9/15/2011. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Deiss, Ila) (Filed on 8/25/2011) (Entered: 08/25/2011)
08/26/2011	<u>36</u>	MOTION to Relate Case <i>Federal Defendant's Administrative Motion to Consider Whether Cases Should Be Related</i> filed by Drug Enforcement Administration. (Deiss, Ila) (Filed on 8/26/2011) (Entered: 08/26/2011)
08/26/2011	<u>37</u>	Proposed Order re <u>36</u> MOTION to Relate Case <i>Federal Defendant's Administrative Motion to Consider Whether Cases Should Be Related</i> by Drug Enforcement Administration. (Deiss, Ila) (Filed on 8/26/2011) (Entered: 08/26/2011)
08/29/2011	<u>38</u>	Statement of Non–Opposition re <u>36</u> MOTION to Relate Case <i>Federal Defendant's Administrative Motion to Consider Whether Cases Should Be Related</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Related document(s) <u>36</u>) (Lye, Linda) (Filed on 8/29/2011) (Entered: 08/29/2011)
08/30/2011		ADR Remark: ADR Phone Conference held by RWS on 8/30/11. (sgd, COURT STAFF) (Filed on 8/30/2011) (Entered: 08/30/2011)
08/31/2011	<u>39</u>	ORDER RE <u>34</u> AS MODIFIED BY THE COURT. Signed by Judge Richard Seeborg on 8/31/11. (cl, COURT STAFF) (Filed on 8/31/2011) (Entered: 08/31/2011)
09/07/2011	<u>40</u>	CLERKS NOTICE re Motion to Relate Cases: The Court has reviewed the motion and has determined that no cases are related and no reassignments shall occur. (cl, COURT STAFF) (Filed on 9/7/2011) (Entered: 09/07/2011)
09/08/2011	<u>41</u>	Cross MOTION for Summary Judgment <i>and Opposition</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. Motion Hearing set for 10/20/2011 01:30 PM in Courtroom 3, 17th Floor, San Francisco before Hon. Richard Seeborg. Responses due by 9/22/2011. Replies due by 10/6/2011. (Lye, Linda) (Filed on 9/8/2011) (Entered: 09/08/2011)
09/08/2011	<u>42</u>	Declaration of Natasha Minsker in Support of <u>41</u> Cross MOTION for Summary Judgment <i>and Opposition</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Related document(s) <u>41</u>) (Lye, Linda) (Filed on 9/8/2011) (Entered: 09/08/2011)
09/22/2011	<u>43</u>	RESPONSE (re <u>41</u> Cross MOTION for Summary Judgment <i>and Opposition</i> , <u>35</u> MOTION for Summary Judgment <i>Defendant's Notice of Motion; Motion for Summary Judgment with Memorandum of Points and Authorities and Declarations of Katherine L. Myrick</i>) <i>Defendant's Opposition to Plaintiffs' Cross–Motion for Summary Judgment and Reply</i> filed by Drug Enforcement Administration. (Deiss, Ila) (Filed on 9/22/2011) (Entered: 09/22/2011)

10/06/2011	<u>44</u>	REPLY (re <u>41</u> Cross MOTION for Summary Judgment <i>and Opposition</i>) filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Lye, Linda) (Filed on 10/6/2011) (Entered: 10/06/2011)
10/06/2011	<u>45</u>	Declaration of Natasha Minsker in Support of <u>44</u> Reply to Opposition/Response <i>re Cross Motion for Summary Judgment</i> filed by American Civil Liberties Union of Northern California, San Francisco Bay Guardian. (Related document(s) <u>44</u>) (Lye, Linda) (Filed on 10/6/2011) (Entered: 10/06/2011)
10/19/2011	<u>46</u>	NOTICE of Appearance by Ila Casy Deiss (Deiss, Ila) (Filed on 10/19/2011) (Entered: 10/19/2011)
10/20/2011	<u>47</u>	Minute Entry: Motion Hearing held on 10/20/2011 before Judge Richard Seeborg; MATTER TAKEN UNDER SUBMISSION (Date Filed: 10/20/2011) re <u>41</u> Cross MOTION for Summary Judgment <i>and Opposition</i> filed by San Francisco Bay Guardian, American Civil Liberties Union of Northern California, <u>35</u> MOTION for Summary Judgment <i>Defendant's Notice of Motion; Motion for Summary Judgment with Memorandum of Points and Authorities and Declarations of Katherine L. Myrick</i> filed by Drug Enforcement Administration. (Court Reporter Kathy Wyatt.) (cl, COURT STAFF) (Date Filed: 10/20/2011) (Entered: 10/20/2011)
10/28/2011	<u>48</u>	ORDER GRANTING IN PART AND DENYING IN PART CROSS MOTIONS FOR SUMMARY JUDGMENT. by Judge Richard Seeborg (cl, COURT STAFF) (Filed on 10/28/2011) (Entered: 10/28/2011)
11/22/2011	<u>49</u>	MOTION Under Civil L.R. 7-11; and [Proposed] Order re <u>48</u> Order on Motion for Summary Judgment, filed by Drug Enforcement Administration. Responses due by 12/6/2011. Replies due by 12/13/2011. (Attachments: # <u>1</u> Declaration of Kathryn L. Myrick)(Deiss, Ila) (Filed on 11/22/2011) (Entered: 11/22/2011)
11/23/2011	<u>50</u>	ORDER granting <u>49</u> Motion. by Judge Richard Seeborg (cl, COURT STAFF) (Filed on 11/23/2011) (Entered: 11/23/2011)
12/30/2011	<u>51</u>	CLERKS NOTICE SCHEDULING A CASE MANAGEMENT CONFERENCE. Case Management Conference set for 3/1/2012 10:00 AM in Courtroom 3, 17th Floor, San Francisco. (cl, COURT STAFF) (Filed on 12/30/2011) (Entered: 12/30/2011)
12/30/2011	<u>52</u>	STATUS REPORT ; <i>and Fifth Declaration of Katherine L. Myrick</i> by Drug Enforcement Administration. (Attachments: # <u>1</u> Declaration of Katherine L. Myrick)(Deiss, Ila) (Filed on 12/30/2011) (Entered: 12/30/2011)
02/22/2012	<u>53</u>	JOINT CASE MANAGEMENT STATEMENT <i>Joint Further Case Management Conference Statement; and [Proposed] Order</i> filed by Drug Enforcement Administration. (Deiss, Ila) (Filed on 2/22/2012) (Entered: 02/22/2012)
02/22/2012	<u>54</u>	ORDER AS MODIFIED BY THE COURT. Order to Show Cause Hearing set for 4/26/2012 01:30 PM. Signed by Judge Richard Seeborg on 2/22/12. (cl, COURT STAFF) (Filed on 2/22/2012) (Entered: 02/22/2012)
04/26/2012	<u>55</u>	STIPULATION WITH PROPOSED ORDER <i>Dismissing Plaintiffs' Claims (Joint)</i> filed by American Civil Liberties Union of Northern California, Drug Enforcement Administration, San Francisco Bay Guardian. (Lye, Linda) (Filed on 4/26/2012) (Entered: 04/26/2012)
04/26/2012	<u>56</u>	STIPULATION AND ORDER RR <u>55</u> DISMISSING PLAINTIFFS' CLAIMS. Signed by Judge Richard Seeborg on 4/26/12. (cl, COURT STAFF) (Filed on 4/26/2012) (Entered: 04/26/2012)